COURT NO.3

Criminal Miscellaneous Application no 214 of 2002

Bishan Lal Kanojia ---------- Applicant

Versus

Additional Sessions Judge/Special Judge (CBI/Anit-Corruption) Uttaranchal, Dehradun ---------- Respondent

Hon'ble Irshad Hussain, J.

Heard Sri L.K. Tiwari, counsel for the applicant.
Sri U.K. Uniyal, counsel for the C.B.I.

Criminal miscellaneous application under section 482 Cr.P.C. was moved with a prayer to direct the additional Sessions Judge (CBI/Anit-corruption), Dehradun, Uttaranchal, not to proceed with case no.11 of 1995 CBI Versus B.L. Kanojia as the said court has ceased to have jurisdiction in the subject matter of the case after issuance of notification conferring jurisdiction of 18 districts of western Uttar Pradesh including district Saharanpur to Special Judge (CBI / Anti-corruption) Ghaziabad. A notification was issued by the U.P. Government on 26.12.2001 and in regard to the 18 districts and in pursuance thereof, the Allahabad High Court was pleased to issue notification dated 28.1.2002 in regard to the appointment of Special Judge (CBI/Anti-corruption) Ghaziabad for the offence committed in the geographical areas mentioned in the said notification.

Copy of the chargesheet filed by the CBI against the applicant indicates that the offence was committed within the jurisdiction of district Saharanpur (U.P.) which by virtue of the government order dated 26.12.2001 falls within the jurisdiction of Special Judge, Ghaziabad. By notification of the Allahabad High Court dated 28.1.2002 new court of Special Judge (CBI-Anit-corruption) at Ghaziabad was created pursuant to the aforementioned government notification and above case now falls within the jurisdiction of Special Judge, Ghaziabad and Special Judge (CBI/Anti-corruption) Dehradun now has no jurisdiction to proceed with the trial.

There were similar matters before Special Judge (CBI-anti-corruption) Dehradun and the transfer petitions were filed before the Supreme Court. The same were disposed of by order-dated 8.05.2002, copy of which has been furnished today by the learned counsel for the applicant. In view of the changed circumstances the case initiated by CBI against various persons were directed to be transferred to the court of Special Judge (CBI-anti-corruption) having jurisdiction in the matter and similar steps also need to be taken in the instant case.

The application is allowed. Case no.11 of 1995 CBI Versus B.L.Kanojia, pending before the Special Judge (CBI-anti-corruption) Dehradun, Uttaranchal, is transferred to Special Judge (CBI-anti-corruption) Ghaziabad. It is also provided that the evidence already recorded in the said case before Special Judge, Dehradun will be treated as evidence recorded by the appropriate court having jurisdiction and the Special Judge Ghaziabad need not call the witnesses already examined.

(Irshad Hussain, J.)

27.08.2002
M.P.S.